

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CV-03-0411-LRS
	)	
vs.	)	
	)	
\$1,432,200.00 U.S. CURRENCY,	)	Final Order of Forfeiture
	)	
Defendant.	)	

Plaintiff, United States of America, alleged in a Verified Complaint for Forfeiture In Rem, that the defendant property is subject to forfeiture to the United States pursuant to 18 U.S.C. § 981.

The Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395.

The defendant property being forfeited is \$1,432,200.00 U.S. currency seized on or about May 20, 2003.

On January 29, 2004, Peter Mahoney and Attorney Mark E. Vovos were served via certified mail with copies of the Verified Complaint for Forfeiture In Rem, and Notice of Complaint for Forfeiture, as evidenced by the Certificate of Service of Notice by Mail filed with the Court on January 29, 2004. On February 6, 2004, Peter Mahoney filed a claim and an answer. On August 29, 2006, the United States and Peter Mahoney, entered into a plea agreement in the related criminal matter United States v. Peter Mahoney, et al., Eastern District of Washington criminal case

1 number, CR-04-2127-RHW, wherein Peter Mahoney agreed to the  
2 forfeiture of the Defendant currency, and any interest earned  
3 since the funds were seized, without further notice. In  
4 addition, Peter Mahoney agreed that if he was unsuccessful in the  
5 criminal appeal, he would waive all constitutional and statutory  
6 challenges to any forfeiture carried out in accordance with said  
7 plea agreement on any grounds, including that the forfeiture  
8 constitutes an excessive fine or punishment.

9 On February 22, 2009, the Ninth Circuit Court of Appeals  
10 affirmed the District Court for the Eastern District of  
11 Washington's decision in this criminal case.

12 The Notice of Complaint was published on February 18, 25 and  
13 March 3, 2004, in the Gazette Record, a newspaper of general  
14 circulation in Benewah County, Idaho, as evidenced by the TDF-90  
15 form filed with the Court on March 22, 2004. Rule C of the  
16 Supplemental Rules for Certain Admiralty and Maritime Claims,  
17 Fed. R. Civ. P., and 18 U.S.C. § 983(a)(4)(A), require that  
18 claimants file a claim within thirty (30) days after final date  
19 of publication of the Notice of Complaint for Forfeiture, or  
20 within thirty (30) days after service of the complaint, whichever  
21 occurs first. At the latest this 30-day period expired on April  
22 2, 2004. No other claims to the Defendant currency have been  
23 filed.

24 It appearing to the Court that Peter Mahoney's interest in  
25 the Defendant currency has been resolved through the entry of his  
26 plea agreement in the related criminal matter, and the resolution  
27 of the Ninth Circuit appeal;

1 It also appearing to the Court that any interest that Peggy  
2 Mahoney may have had in the Defendant currency has been resolved  
3 through the entry of her plea agreement on August 29, 2006, in  
4 related criminal case United States v. Peggy Mahoney, et al.,  
5 Eastern District of Washington criminal case number, CR-04-2128-  
6 RHW, wherein Peggy Mahoney agreed to the forfeiture of the  
7 Defendant currency, and any interest earned since the funds were  
8 seized, without further notice. In addition, Peggy Mahoney  
9 agreed that if she was unsuccessful in the criminal appeal, she  
10 would waive all constitutional and statutory challenges to any  
11 forfeiture carried out in accordance with said plea agreement on  
12 any grounds, including that the forfeiture constitutes an  
13 excessive fine or punishment. Peggy Mahoney did not file an  
14 appeal in the related criminal case;

15 It further appearing to the Court that no other claims have  
16 been made to the defendant property;

17 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the  
18 Defendant currency in the amount of \$1,432,200.00, seized on or  
19 about May 20, 2003, and any interest accrued since the seizure  
20 date, is hereby forfeited to the United States of America, and no  
21 right, title, or interest shall exist in any other person.

22 IT IS FURTHER ORDERED that the United States shall dispose  
23 of the forfeited currency in accordance with law.

24 DATED this 21st day of September, 2009.

25  
26 s/Lonny R. Suko

27 Lonny R. Suko  
28 Chief United States District Judge

1 Presented by:

2 James A. McDevitt  
3 United States Attorney

4 s/Jane Kirk

5 Jane Kirk  
6 Assistant United States Attorney